



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,099	07/05/2005	Mirco Rossetti	P-US-PR-1080	1117

7590 02/16/2006

Adan Ayala  
Black & Decker Corporation  
701 East Joppa Road TW 199  
Towson, MD 21286

EXAMINER
----------

BREAN, LAURA MICHELLE

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

e

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,099	ROSSETTI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura M. Brean	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/07/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the arcuate track stated in claim 19 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 120, on Figure 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

Art Unit: 3724

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

On page 2, line 19, the corresponding European Patent Application" EP 0 949 048" should be changed to -- EP 0 305 849--.

On page 9, line 5, the question marks "???" should be removed.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 1 and 16 are objected to because of the following informalities:

In claim 1, line 3 "pivotably" should be changed to --pivotally--.

In claim 16, lines 1-2, "a second two track" should be changed to --a second track--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3724

6. Claims 1, 3-10, 12-16, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Batson (U.S. Patent 4245533). Batson discloses a miter saw (10) comprising a base (12) comprising a working surface (24); a saw assembly (10) pivotally (at 16) connected to the base (12), the saw assembly (10) comprising a blade (20), the blade (20) being movable in a first cutting plane (as shown in Figure 4), the cutting plane intersecting the working surface along a first cutting line (along clearance slot, 28); and an adjustable elongated fence (18) mounted on and supported by the working surface, the fence being angularly displaceable relative to the first cutting line.

In regards to claim 2, Batson discloses that the blade (20) is adjustable so as to adjustably incline the cutting plane relative to the work surface (as described in column 6, lines 28-70).

In regards to claim 3, Batson discloses that the working surface (24) is non-adjustably mounted on the base (12).

In regards to claim 4, Batson discloses that the working surface comprises a recessed channel (28) along the first cutting line.

In regards to claim 5, Batson discloses that the fence (18) comprises at least one releasable restraining member (a bolt, 146) for restraining the fence (18) to the work surface (24) in a plurality of angularly adjusted orientations relative to the cutting line (as described in column 7, lines 50-63).

In regards to claim 6, Batson discloses that the fence (18) comprises a restraining member comprising a first member (a bolt, 146) disposed in the working

Art Unit: 3724

surface (24) and threadingly engaged to a second member (nut, 150) disposed on the fence (18) (as described in column 7, lines 50-63).

In regards to claim 7, Batson discloses that the fence (18) is longitudinally adjustable along the cutting line. Depending upon the axial rotation of the fence in the grooves, determines whether the right or left side of the fence will be adjusted to ward the front/back of the working surface. This axial rotation of the fence will cause the ends to be adjusted longitudinally in respect to the working surface and the cutting line.

In regards to claim 8, Batson discloses that the fence extends over the cutting line (shown in Figure 4)

In regards to claim 9, Batson discloses that the fence comprises a recess (slot, 30) for overlying the cutting line (28) in the working surface (24) (shown in Figure 1).

In regards to claim 10, Batson discloses that the fence (18) comprises at least two separate elongated sections (26/26), each section (26) presenting a support face extending perpendicular to the working surface and lie in a same fence plane, with the recess (30) formed by a break between said separate sections (shown in Figure 1).

In regards to claim 11, Batson discloses that at least one end of the separate sections (26) is inclined longitudinally outwardly of the break so as to accommodate the blade when the cutting plane is inclined relative to the working surface.

In regards to claim 12, Batson discloses that wherein the separate sections (26/26) are interconnected by a rigid support element (semi-circular base portion, 152) extending between the separate sections remote from the recess (shown in Figure 1).

In regards to claim 13, Batson discloses that wherein the support element (152) extends outside of the fence plane (18)(shown in Figure 1).

In regards to claim 14, Batson discloses that the fence (18) is pivotally mounted on the working surface (24) about at least one pivot axis (locking means, 40). The fence is capable of being rotated one on of the locking means, by pivoting on the other, and vice-versa.

In regards to claim 15, Batson discloses that the working surface (24) comprises a first guide track (142) and the fence (18) comprises a first track follower (40) member in cooperative sliding engagement therewith.

In regards to claim 16, Batson discloses that the working surface (24) comprises a second track (142) and the fence comprises a second track follower member (40) for respective cooperating engagement therewith.

In regards to claim 19, Batson discloses that the first track (142) is arcuate.

In regards to claim 20, Batson discloses the fence (18) is pivotally mounted about the first track follower member (40). The fence is capable of being rotated one on of the locking means, by pivoting on the other, and vice-versa.

In regards to claim 21, Batson discloses the working surface (24) comprises an array of first engagement (groove, 142) means for cooperative releasable engagement with at least one second engagement means (bolt, 146) on the fence (18) for restraining the fence on the working surface (24) at a predetermined angular inclination relative to the cutting line, (28) wherein engagement of the second engagement means (146) with a different one of the array of first engagement means (142) restrains the fence in a

Art Unit: 3724

second predetermined angle relative to the cutting line. The groove (142) is an array of circular holes and the nut and bolt are capable of being engaged and disengaged to rotate the fence about the groove, forming an infinite number of fence angles relative to the cutting line (column 6, lines 28-40).

In regards to claim 22, Batson discloses the first engagement means (142) comprises an array of holes in the working surface (24) and the second engagement means comprises at least one projection member (146) for engagement with one of the array of holes. The groove (142) is an array of circular holes and the nut and bolt are capable of being engaged and disengaged to rotate the fence about the groove, forming an infinite number of fence angles relative to the cutting line (column 6, lines 28-40).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batson in view of Wixey (U.S. Patent 6,289,778). Batson discloses the claimed invention except that the blade is adjustable so as to incline the cutting plane relative to the work surface. However, attention is directed to the Wixey device that shows a miter saw with an adjustable blade so as to include the cutting plane relative to the work surface. The inclined angle allows the blade to make bevel cuts and is necessary in



Art Unit: 3724

cutting crown molding, a common use for miter saws. It would have been obvious to provide for the additional angle of rotation in the Batson device so that the blade could be inclined to the cutting plane relative to the work surface for the added advantage to producing beveled cut in the work piece as valued in crown molding cutting as taught by Wixey.

In regards to claim 11, as previously discussed, since it would have been obvious to modify the Batson device to incorporate the rotatable ability as taught by Wixey to produce beveled cuts in the work surface. It also would have been obvious to modify the fence as taught by Wixey so that the at least one end of the separate sections is inclined longitudinally (38) outwardly of the break so as to accommodate the blade when the cutting plane is inclined relative to the working surface (as shown in Wixey, Figure 1).

9. Claims 1, 17-18 & 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garuglieri (U.S. Patent 5,960,691) in view of Duginske (U.S Patent 5768966). Garuglieri discloses a miter saw (Figure 2a, that is also being used as a table saw) comprising a base (12) comprising a working surface (table top surface), a saw assembly (10) pivotally (18) connected to the base (12), the saw blade assembly (10) comprising a blade (26), the blade being movable in a first cutting plane (Figure 2a), the cutting plane intersecting the working surface along a first cutting line. Garuglieri does not disclose an adjustable elongated fence mounted on and supported by the working surface, and being angularly displaceable relative to the first cutting line.

Art Unit: 3724

However, attention is directed to the Duginske device that shows a table saw with a fence (miter gage) (Figures 15-17) that is mounted on and supported by the working surface that is angularly displaceable relative to the first cutting line (Figure 17). The miter gage allows the work piece to be positioned and supported at various angles relative to the saw blade. It would have been obvious to provide for a miter gage on the device of Garuglieri in view of the teachings of Duginske in order to create different angled cuts in the work piece.

In regards to claim 15, Garuglieri, as previously modified by Duginske, discloses the working surface (top of miter bar, 306) comprises a first guide track (miter slot, not numbered, shown in Figure 15) and that the fence (track 200/miter gage 300) (Figure 15) comprises a first track follower member (locking handle, 310) in cooperative sliding engagement therewith.

In regards to claim 17, Garuglieri, as previously modified by Duginske, discloses that the first track follower member (310) is longitudinally adjustable (slot, 311) along the fence (200/300).

In regards to claim 18, Garuglieri, as previously modified by Duginske, discloses that the first track (miter slot) is linear (see Figure 15).

In regards to claim 21, Garuglieri, as previously modified by Duginske, discloses that the working surface (306) comprises an array of first engagement means (slot, 311), see Figure 16) for cooperative releasable engagement with at least one second engagement means (locking handle, 310) on the fence (200/300) for restraining the fence on the working surface (306) at a predetermined angular inclination relative to the

Art Unit: 3724

cutting line (Figure 17), wherein engagement of the second engagement means (310) with a different one of the array of first engagement means (311) restrains the fence in a second predetermined angle relative to the cutting line, as described in column 7, lines 52-67.

In regards to claim 22, Garuglieri, as previously modified by Duginske, discloses the first engagement means (311) comprises an array of holes in the working surface (55) (see Figure 2A) and the second engagement means comprises at least one projection member (310) for engagement with one of the array of holes. The slot (311) is an array of circular holes and the handle and slot are capable of being engaged and disengaged to rotate the fence about the slot, forming an infinite number of fence angles relative to the cutting line.

In regards to claim 23, Garuglieri, as previously modified by Duginske, discloses that the projection member (310) is longitudinally adjustable along the fence (200/300) (Figure 15).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,483,858 to Chen discloses a miter saw with a fence slidable in linear grooves. U.S. Patent to 4,384,502 to Dover, U.S. Patent 6,561,068 to Meredith et al., and U.S. Patent 6,260,460 to Shibata et al. disclose a miter saw with a fence rotatable in angular grooves on the work surface. U.S. Patent

Art Unit: 3724

6,499,224 to Asick and U.S. Patent 5,823,239 to Smith disclose a worktable for a table saw with a slidable and rotatable fence.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMB  
02/10/2006



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700